

REMARKS

Claims 3-5, 12, 14-16, 18, and 21 are currently pending in this application as amended. Claims 8-9, 20, and 22-24 have been canceled. Accordingly, no new matter has been added by the cancellation of claims.

Request for Telephone Interview Prior to Formal Action on Amendment

Applicants respectfully request a telephone interview with the Examiner prior to formal action on this response. An “Applicant Initiated Interview Request Form” accompanies this response. Please contact Applicants’ undersigned representative to schedule the interview.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 8-9, 20, and 22-24 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,015,344 (“Kelly”). Applicants have canceled claims 8-9, 20, and 22-24 and therefore the rejection of claims 8-9, 20, and 22-24 has been rendered moot.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 3-5, 12, 14-16, 18, and 21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelly in view of U.S. Patent Application Publication No. 2003/0064805 A1 (“Wells”). Applicants respectfully traverse the rejection and request that the rejection of claims 3-5, 12, 14-16, 18, and 21 be withdrawn for at least the following reasons.

Claim 12 is directed to an amusement system and recites *inter alia*,

(c) a second amusement device having an audio output, a controller and a memory configured to store and retrieve music files, the second amusement device being coupled to the first and third amusement devices by the communication link, the first and third amusement devices communicating with the second amusement device using the communication medium, the video touchscreen of the first and third amusement devices each allowing a user to access the controller of the second amusement device to cause the controller of the second amusement device to retrieve one of the music files from the memory of the second amusement device and output the retrieved music file to the audio output of the second amusement device.

[Emphasis added]

Claim 21 is also directed to an amusement system and recites *inter alia*,

(c) a second amusement device having an audio output, a controller and a memory configured to store and retrieve music files, the second amusement device being coupled to the first amusement device by the communication link, the first amusement device communicating with the second amusement device using the communication medium, the video touchscreen of the first amusement device allowing a user to access the controller of the second amusement device to cause the controller of the second amusement device to retrieve one of the music files from the memory of the second amusement device and output the retrieved music file to the audio output of the second amusement device,

[Emphasis added]

Both Kelly and Wells fail to teach, suggest, or disclose a user of a first amusement device accessing the controller of a second amusement device to retrieve a music file for output by the second amusement device.

Referring to Figs. 1-4, Kelly discloses a game unit 10 having a wireless communication device 24 which may be a wireless transmitter/receiver. The communication device 24 enables the game unit 10 to communicate either directly or indirectly with other game units 10. Multiple players from different game units 10 may thus simultaneously participate in the same game. (col. 13, line 10 – col. 14, line 10). The game units 10 may also be connected to a server 108 by, for example, a local area network (LAN). The server 108 coordinates games among the game units 10. (col. 17, lines 32-38; col. 17, line 59 – col. 18, line 12).

The present application describes an amusement system having a first amusement device storing a plurality of games and a second amusement device storing music files. The first amusement device allows a user to access a controller of the second amusement device. In other words, the user is utilizing the interface (e.g., touchscreen) of the first amusement device to manipulate the controller of the second amusement device. The user then may select, and the controller of the second amusement device will retrieve, a music file to be played by the second amusement device.

The Examiner admits in the Office Action at page 5, lines 5-8, that Kelly does not include allowing a user to access the controller of the second amusement device to cause the controller of the second amusement device to retrieve one of the music files from the memory of the second amusement device and output the retrieved music file to the audio output of the second amusement device. Therefore, as made explicitly clear by the Examiner, Kelly does not teach, suggest, or disclose all of the limitations of claims 12 and 21.

When combining two or more references to establish a *prima facie* case of obviousness, the references together must teach or suggest all of the claim limitations. M.P.E.P. § 2143.

Kelly, the primary reference, does not teach, suggest, or disclose all of the claim limitations as discussed above. Wells fails to compensate for the deficiencies of Kelly as a reference. Referring to Figs. 1-3, Wells discloses a gaming machine 2 in communication with a wireless game player 125 for presenting games of chance. Entertainment content is also available to a user for viewing on a gaming machine 2 or wireless game player 125. For example, a video jukebox consisting of a DVD player and DVDs may be one entertainment source. The DVDs may be stored on the gaming machine 2 or at a central location. The videos may be viewed on display screens 34 or 42 of gaming machine 2 or on display 126 of wireless gaming device 125. See paragraphs [0072]-[0073]. A variety of entertainment content is available, all of which is played by the gaming machine 2 or is sent to the wireless game player 125. See paragraph [0023].

In contrast, the present application describes a system where the first amusement device allows a user to access music files that are both stored and output by the second amusement device. In Wells, the entertainment provider (e.g., the DVD player described above) behaves like a server that responds to a file request from the game machine 2 or wireless game player 125 by sending the file to the respective device. The second amusement device in the present application does not send the retrieved music file to the first amusement device. The first amusement device is simply provided as a convenient interface for making a music selection on the second amusement device, *i.e.*, the user need not abandon the first amusement device to make a music selection.

Wells therefore does not teach, suggest, or disclose include the limitation of allowing a user to access the controller of the second amusement device to cause the controller of the second amusement device to retrieve one of the music files from the memory of the second amusement device and output the retrieved music file to the audio output of the second amusement device. Claims 12 and 21 cannot be obvious under 35 U.S.C. § 103(a) in view of the combination of Kelly and Wells because the references together do not teach or suggest all of the limitations of claims 12 and 21. It is therefore respectfully requested that the rejection of claims 12 and 21 be withdrawn.

Claims 14-16 and 18 are dependent upon claim 12. Applicants respectfully request that the rejection of claims 14-16, and 18 based upon obviousness by Kelly in view of Wells be withdrawn due to at least their dependence on claim 12.

Claims 3-5 are dependent upon claim 21. Applicants respectfully request that the rejection of claims 3-5 based upon obviousness by Kelly in view of Wells be withdrawn due to at least their dependence on claim 21.

CONCLUSION

In view of the foregoing Amendment and Remarks, it is respectfully submitted that the present application including claims 3-5, 12, 14-16, 18, and 21, is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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